

309: Refusal to Designate and De-designation of LTCO

- A. The SLTCO may refuse to designate, or may de-designate, an individual as a LTCO and representative of the LTCOP. The SLTCO shall consider the recommendation of the Regional Ombudsman, and in areas where the AAA has a contract or grant for LTCOP services, the AAA.
- B. The SLTCO may refuse to designate an individual as a LTCO or may de-designate a LTCO for any of the following reasons:
 - 1. failure of the individual to meet and/or maintain the criteria for designation;
 - 2. existence of an unremedied conflict of interest;
 - 3. deliberate failure of the individual to disclose any conflict of interest;
 - 4. violation of confidentiality requirements;
 - 5. failure to provide adequate and appropriate services to long term care residents as defined in this Manual;
 - 6. falsifying records;
 - 7. failure to follow the direction of the Regional Ombudsman regarding this Manual;
 - 8. a change in employment duties that is incompatible or in conflict with LTCO duties or this Manual;
 - 9. separation from the LTCOP, including: removal from employment by the provider agency, an extended absence of the LTCO preventing fulfillment of job responsibilities, or the provider agency's contract for

- the provision of LTCOP services not being renewed;
10. knowingly divulging Department of Public Health survey dates for nursing homes; or
 11. failure to act in accordance with applicable federal and state laws, regulations, and this Manual.
- C. Prior to the refusal to designate or de-designate, the SLTCO shall consult with the relevant AAA, provider agency and Regional Ombudsman, as appropriate, to consider remedial actions which could be taken to avoid the refusal to designate or the de-designation of an individual. Such remedial actions, if any, are completely within the discretion of the SLTCO.
- D. The SLTCO shall provide written notice of the non-designation decision to the provider agency, the AAA and to the Director of IDoA. Such notice shall:
1. specify the reasons for the refusal to designate; and
 2. set forth the effective date of the decision.
- E. The SLTCO shall provide written notice of the de-designation decision to the LTCO to be de-designated, the Regional Ombudsman, provider agency, AAA, and the Director of the IDoA. Such notice shall:
1. specify the reasons for the de-designation; and
 2. state the effective date of the de-designation.
- F. If the refusal to designate an individual as a LTCO, or the de-designation of a LTCO, results in the absence of ombudsman services in the relevant service area, the provider agency, the AAA, and the SLTCO shall arrange for

the provision of ombudsman services until a LTCO is designated.

- G. Once de-designated, the former LTCO must return her or his identification card to the Regional Ombudsman or SLTCO. The SLTCO will indicate on the registry that this person was de-designated. The Regional Ombudsman or the provider agency, as appropriate, shall immediately notify, in writing, the facilities frequented by the LTCO and its residents that the individual is no longer a LTCO or representative of the LTCOP. The SLTCO shall receive a copy of the standardized de-designation letter.